

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

THE TRUSTEES of the SHEET
METAL LOCAL # 10 CONTROL
BOARD TRUST FUND,

Plaintiff,

v.

ORDER

Civil File No. 05-2072 (MJD/AJB)

DUGGER HEATING AND AIR
CONDITIONING, INC.,

Defendant.

Mitchell W. Converse and Carol A. Baldwin, Jensen Bell Converse & Erickson, PA, Counsel for Plaintiffs.

No counsel of record for Defendants.

The above matter is before the Court upon Plaintiffs' Motion for Entry of Money Judgment pursuant to this Court's February 1, 2006. The February order provides that Plaintiffs are entitled to judgment against Defendant for delinquent fringe benefit contributions, interest, liquidated damages, attorney fees, audit fees, and costs. (Doc. No. 9.) The order also states that if Defendant fails to make required payments after Plaintiffs conduct an audit, Plaintiffs may move for a money judgement "and the Court shall enter judgment ten (10) days after service of the Motion and Affidavit on Defendant." (*Id.* at 4.)

Plaintiffs filed the instant motion on August 14, 2006. However, the Court

can find no record that Plaintiffs served the motion on Defendant. Defendant is pro se and must be served with a hard copy of this motion before the ten day period can commence.

Accordingly, IT IS HEREBY ORDERED:

1. Plaintiffs must serve a copy of their Motion for Entry of Money Judgment on Defendant and provide the Court with proof of such service; and
2. If Defendant fails to make all required payments or to file objections to Plaintiffs' calculations within ten (10) days of this service, the Court shall issue an Order for Money Judgment against Defendant.

Dated: September 14, 2006

s/Michael J. Davis _____
Michael J. Davis
United States District Court